

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

Lordstown Motors Corp., *et al.*,<sup>1</sup>

Debtors.

Lordstown Motors Corp., *et al.*,

Plaintiffs,

v.

ATRI AMIN and BENJAMIN HEBERT, on behalf of themselves and similarly situated stockholders of Lordstown Motors Corp. (f/k/a DiamondPeak Holdings Corp.),

Defendants.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Adv. Pro. No. 23-50428 (MFW)

**NOTICE OF AMENDED<sup>2</sup> AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON AUGUST 3, 2023 AT 2:00 P.M. (EDT)**

**THE REMOTE HEARING WILL BE CONDUCTED ENTIRELY BY ZOOM AND  
REQUIRES ALL PARTICIPANTS TO REGISTER IN ADVANCE. COURTCALL  
WILL NOT BE USED TO DIAL IN.**

**PLEASE USE THE FOLLOWING LINK TO REGISTER FOR THE HEARING:**

**<https://debuscourts.zoomgov.com/meeting/register/vJItc-6opj0pH7h9DmoEE3l4GVza4Wkd-Wk>**

**ONCE REGISTERED, PARTIES WILL RECEIVE A CONFIRMATION EMAIL  
CONTAINING PERSONAL LOG-IN INFORMATION FOR THE HEARING.**

<sup>1</sup> The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors' service address is 27000 Hills Tech Ct, Farmington Hills, MI 48331.

<sup>2</sup> Amended agenda items appear in bold.

**I. CONTESTED MAIN CASE MATTER GOING FORWARD:**

1. Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief [[Docket No. 16](#); filed June 27, 2023]

Response/Objection Deadline: July 20, 2023 at 4:00 p.m. (EDT); extended to July 24, 2023 at 11:00 a.m. (EDT) for the Creditors' Committee

Responses/Objections Received:

- A. Objection to Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief filed by Karma Automotive LLC [[Docket No. 127](#); filed July 20, 2023]
- B. Informal comments from the U.S. Trustee
- C. Informal comments from the Creditors' Committee
- D. Informal comments from Cigna Health and Life Insurance Company

Related Documents:

- i. Notice of "Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief" [D.I. 16] and Hearing Thereon [[Docket No. 73](#); filed June 28, 2023]
- ii. Reply in Support of the Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief [[Docket No. 154](#); filed July 24, 2023]

- iii. Declaration of Adam Kroll in Support of the Debtors' (I) Reply in Support of the Bidding Procedures Motion and (II) Reply in Support of the Estimation Motion [[Docket No. 156](#); filed July 24, 2023]
- iv. Declaration of Jeffrey Finger in Support of the Debtors' (I) Reply in Support of the Bidding Procedures Motion and (II) Reply in Support of the Estimation Motion [[Docket No. 157](#); filed July 24, 2023]
- v. Debtors' Motion for Leave to File Debtors' (A) Bidding Procedures Motion Reply and (B) Estimation Motion Reply [[Docket No. 158](#); filed July 24, 2023]
- vi. Notice of Filing of Revised Proposed Order (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief [[Docket No. 159](#); filed July 24, 2023] (the "Notice of Filing")
- vii. Declaration of Adam Kroll in Support of Debtors' Chapter 11 Petitions and First Day Motions [[Docket No. 15](#); filed June 27, 2023]
- viii. Karma Automotive LLC's Witness List and Exhibit List for Hearing [[Docket No. 172](#); filed July 25, 2023]

Status: Consistent with the record of the July 27, 2023 hearing, the continued hearing on this matter will go forward. *See generally* Transcript of Record at pp. 93-95, *In re: Lordstown Motors Corp., et al.*, Case No. 23-10831 (MFW) (Bankr. D. Del. July 27, 2023).

## **II. CONTESTED ADVERSARY MATTER GOING FORWARD:**

- 2. Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105, and Request for Hearing Date [[Adv. Docket No. 2](#); filed July 5, 2023]

Response/Objection Deadline: July 19, 2023

Related Documents:

- i. Complaint for Injunctive Relief [[Docket No. 85](#) / [Adv. Docket No. 1](#); filed July 5, 2023]
- ii. Declaration of David M. Turetsky in Support of the Debtors' Motion for Injunctive Relief (Sealed) [Adv. Docket No. 3; filed July 5, 2023]
- iii. Declaration of David M. Turetsky in Support of the Debtors' Motion for Injunctive Relief (Redacted) [[Adv. Docket No. 4](#); filed July 5, 2023]

- iv. Declaration of Adam Kroll in Support of the Debtors' Motion for Preliminary Injunctive Relief [[Adv. Docket No. 5](#); filed July 5, 2023]
- v. Brief in Support of the Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105, and Request for Hearing Date [[Adv. Docket No. 6](#); filed July 5, 2023]
- vi. Debtors' Motion to File Under Seal Certain Exhibits to the Declaration of David M. Turetsky in Support of the Debtors' Motion for Injunctive Relief [[Adv. Docket No. 9](#); filed July 10, 2023]
- vii. Notice of Hearing [[Adv. Docket No. 11](#); filed July 14, 2023]
- viii. Notice of Deposition of Adam Kroll [[Adv. Docket No. 13](#); filed July 18, 2023]
- ix. Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 [[Adv. Docket No. 14](#); filed July 19, 2023]
- x. Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted) [[Adv. Docket No. 15](#); filed July 19, 2023]
- xi. Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Sealed) [Adv. Docket No. 16; filed July 24, 2023]
- xii. Defendants' Motion to File Under Seal Certain Exhibits to the Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and Injunctive Relief [[Adv. Docket No. 17](#); filed July 24, 2023]
- xiii. Debtors' Reply in Support of the Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 [[Adv. Docket No. 18](#); filed July 26, 2023]
- xiv. **Supplemental Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Sealed)** [[Adv. Docket No. 22](#); filed August 1, 2023]
- xv. **Supplemental Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted)** [[Adv. Docket No. 23](#); filed August 1, 2023]

- xvi. **Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted) [Adv. Docket No. 24; filed August 2, 2023]**
- xvii. **Supplemental Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted) [Adv. Docket No. 25; filed August 2, 2023]**

Witness Information:

*Plaintiffs' Witness:*

- i. Adam Kroll, Executive Vice President and Chief Financial Officer of Lordstown Motors, Farmington Hills, Michigan

*Defendants' Witness:*

- i. **Ankita Sangwan, Associate at the law firm of Pomerantz LLP, New York, New York**

Status: The hearing in this matter will go forward on a contested basis.

*[Remainder of page intentionally left blank.]*

Dated: August 2, 2023

Respectfully submitted,

/s/ Jason M. Madron

**RICHARDS, LAYTON & FINGER, P.A.**

Kevin Gross (No. 209)  
Daniel J. DeFranceschi (No. 2732)  
Paul N. Heath (No. 3704)  
Amanda R. Steele (No. 5530)  
Jason M. Madron (No. 4431)  
Cory D. Kandestin (No. 5025)  
James F. McCauley (No. 6991)  
One Rodney Square  
920 N. King Street  
Wilmington, DE 19801  
Telephone: (302) 651-7700  
Facsimile: (302) 651-7701  
gross@rlf.com  
defranceschi@rlf.com  
heath@rlf.com  
steele@rlf.com  
madron@rlf.com  
kandestin@rlf.com  
mccauley@rlf.com

*Proposed Co-Counsel to Debtors and  
Debtors in Possession*

**WHITE & CASE LLP**

Thomas E Lauria (admitted *pro hac vice*)  
Matthew C. Brown (admitted *pro hac vice*)  
Fan B. He (admitted *pro hac vice*)  
200 South Biscayne Boulevard, Suite 4900  
Miami, FL 33131  
Telephone: (305) 371-2700  
tlauria@whitecase.com  
mbrown@whitecase.com  
fhe@whitecase.com

David M. Turetsky (admitted *pro hac vice*)  
1221 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 819-8200  
david.turetsky@whitecase.com

Jason N. Zakia (admitted *pro hac vice*)  
111 South Wacker Drive, Suite 5100  
Chicago, IL 60606  
Telephone: (312) 881-5400  
jzakia@whitecase.com

Roberto Kampfner (admitted *pro hac vice*)  
Doah Kim (admitted *pro hac vice*)  
RJ Szuba (admitted *pro hac vice*)  
555 South Flower Street, Suite 2700  
Los Angeles, CA 90071  
Telephone: (213) 620-7700  
rkampfner@whitecase.com  
doah.kim@whitecase.com  
rj.szuba@whitecase.com

*Co-Counsel to Debtors and  
Debtors in Possession*